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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

IN RE: UBER TECHNOLOGIES, INC.,
PASSENGER SEXUAL ASSAULT
LITIGATION

Case No. 3:23-md-03084-CRB

**DEFENDANTS' ADMINISTRATIVE
MOTION TO FILE UNDER SEAL
PORTIONS OF THEIR REPLY
SUPPORTING MOTION FOR
SANCTIONS AGAINST BRET STANLEY**

This Document Relates to:

ALL ACTIONS

1 **DEFENDANTS' ADMINISTRATIVE MOTION TO SEAL**

2 Pursuant to Civil Local Rules 79-5(b) and (c) and 7-11, and to the Protective Order entered in
 3 this case dated December 28, 2023, ECF No. 176 (the "Protective Order"), Defendants Uber
 4 Technologies, Inc., Rasier, LLC, Rasier-CA, LLC (collectively "Defendants" or "Uber"), respectfully
 5 submit this Administrative Motion to Seal portions of its Reply ("Sanctions Reply") in Support of
 6 Defendants' Motion for Sanctions Against Bret Stanley (ECF 4604, "Motion for Sanctions"), filed
 7 contemporaneously.¹ Defendants respectfully request that the Court seal, in part, the Sanctions Reply,
 8 as there is good cause to seal and the narrowly tailored proposed sealing is the least restrictive means
 9 of protecting Defendants' legitimate interest in maintaining the confidentiality of Uber's proprietary
 10 information, an interest heightened here in the context of bringing a motion to enforce and vindicate
 11 rights under the Protective Order.

12 **I. BACKGROUND AND REQUESTED SEALING**

13 The sole document at issue in this Motion to Seal is the Sanctions Reply, specifically:

Document	Description	Defendants' Request
Sanctions Reply	Confidential, non-public information regarding safety and compliance audit procedures developed and utilized by Uber in its Uber Eats (non-Rides) business.	Seal in part (information regarding safety and compliance audit procedures developed and utilized by Uber in its Uber Eats (non-Rides) business)

21 **II. LEGAL STANDARD**

22 Documents which do not relate directly to the merits of a case are properly sealed when a
 23 moving party makes "a particularized showing under the good cause standard of Rule 26(c)." *Kamakana v. City and County of Honolulu*, 447 F.3d 1172, 1180 (9th Cir. 2006) (internal quotations
 24 and citations omitted); *see also Ctr. For Auto Safety v. Chrysler Group, LLC*, 809 F.3d 1092, 1101-02

26 ¹ On December 8, 2025, Defendants filed an Administrative Motion to File Under Seal Portions of Their Motion for Sanctions Against Bret Stanley & Portions of Supporting Materials. ECF 4603. The instant Motion to Seal is largely based on the same facts and law as presented in ECF 4603.

1 (9th Cir. 2016). Federal Rule of Civil Procedure 26(c) states that good cause may exist when issuing
 2 an order to seal is necessary to “protect a party or person from annoyance, embarrassment, oppression,
 3 or undue burden or expense.” Fed. R. Civ. P. 26(c).

4 The Sanctions Reply is related to a motion for sanctions, and therefore does not pertain to the
 5 merits of the underlying litigation in any fashion; and the Sanctions Reply is not related to a dispositive
 6 motion. Therefore, the good cause standard applies. *TVIIM, LLC v. McAfee, Inc.*, 2015 WL 5116721,
 7 at *1 (N.D. Cal. Aug. 28, 2015) (finding good cause standard applies to motion for attorney fees);
 8 *M.A. Mobile Ltd. v. Indian Inst. of Tech. Kharagpur*, 2019 WL 6525752, at *6 (N.D. Cal. Dec. 4,
 9 2019) (same); *In re Anthem, Inc. Data Breach Litig.*, 2018 WL 3067783, at *2 (N.D. Cal. Mar. 16,
 10 2018) (same); *TB Holding Co. LLC v. J&S Siding*, 2024 WL 4924738, at *1 (D. Idaho June 21, 2024)
 11 (same). District Courts have discretion to balance the interests of private parties and public disclosure
 12 when deciding to seal documents. *Kamakana*, 447 F.3d at 1180.

13 Good cause to seal exists where the relevant documents contain confidential business
 14 information because competitive harm results—and sealing is warranted—where public disclosure
 15 would provide competitors insight into a party’s “internal systems and operations, including details
 16 related to internal projects and their proprietary functionalities.” *Calhoun v. Google LLC*, 2022 WL
 17 1122843, at *2 (N.D. Cal. Apr. 14, 2022); *see also, e.g., Blockchain Innovation, LLC v. Franklin*
 18 *Resources, Inc.*, 2024 WL 4394758, at *3 (N.D. Cal. Oct. 3, 2024) (sealing documents containing
 19 confidential information on “internal business strategy and corporate decisionmaking”); *Jones v. PGA*
 20 *Tour, Inc.*, 2023 WL 7440303, at *2 (N.D. Cal. Nov. 8, 2023) (sealing document containing
 21 confidential information on, among other things, “strategic launch plans; financials; internal decision-
 22 making processes”); *Skillz Platform Inc. v. AviaGames Inc.*, 2023 WL 6135556, at *2 (N.D. Cal. Sept.
 23 18, 2023) (sealing confidential information such as “internal business plans and propriet[ar]y
 24 information about a [party’s] products”); *E. W. Bank v. Shanker*, 2021 WL 3112452, at *17 (N.D. Cal.
 25 July 22, 2021) (courts will seal information that would allow competitors to “replicate [a party’s]
 26 development of [technology] without expending the resources [the party] invested.”); *CertainTeed*
 27 *Gypsum, Inc. v. Pac. Coast Bldg. Prods., Inc.*, 2021 WL 6621061, at *2 (N.D. Cal. Dec. 13, 2021)

1 (granting motion to seal “company’s internal report about the efficacy of the company’s products”
 2 because it “is a ‘compilation of information which is used in [the company’s] business’ and gives the
 3 company ‘an opportunity to obtain an advantage over competitors who do not know or use it,’”);
 4 *Williams v. Apple, Inc.*, 2021 WL 2476916, at *4 (N.D. Cal. June 17, 2021) (granting motion to seal
 5 “exhibits that comprise internal Apple documents on iCloud’s development and technical metrics”);
 6 *Exeltis USA Inc. v. First Databank, Inc.*, 2020 WL 2838812, at *2 (N.D. Cal. June 1, 2020) (granting
 7 motion to seal when “public release of these documents could give non-party competitors an unfair
 8 advantage in the development or marketing of rival products”); *Finjan, Inc. v. Proofpoint, Inc.*, 2016
 9 WL 7911651, at *4 (N.D. Cal. Apr. 6, 2016) (sealing information when “there could be a risk that
 10 competitors would reproduce or recreate features of Defendants’ products.”); *Kowalsky v. Hewlett-
 11 Packard Co.*, 2012 WL 892427, at *4 (N.D. Cal. Mar. 14, 2012) (granting motion to seal information
 12 concerning party’s “product testing, development, and evaluation processes”); *Ashcraft v. Welk Resort
 13 Grp., Corp.*, 2019 WL 12518367, at *2 (D. Nev. Sept. 26, 2019) (sealing information that “a
 14 competitor could [use to] reverse-engineer” Experian’s systems).

15 Likewise, sealing is justified based on the risk that disclosure could allow third parties to
 16 circumvent a proprietary technology’s effectiveness or security measures. *See, e.g., Ashcraft*, 2019
 17 WL 12518367, at *2 (sealing information that “identity thieves could use … to develop methods to
 18 circumvent Experian’s protections”); *Campbell v. Facebook, Inc.*, 2015 WL 12965295, at *2 (N.D.
 19 Cal. Oct. 15, 2015) (finding good cause to seal documents that could cause Facebook competitive
 20 harm and compromise the technology of the products, harming Facebook and Fakebook’s end users);
 21 *cf. T1 Payments LLC v. New U Life Corp.*, 2022 WL 1472665, at *8 (D. Nev. May 9, 2022) (in the
 22 context of a motion to retain a confidentiality designation, finding particularized harm was established
 23 where the defendant’s “ability to monitor its distributors would be harmed if the distributors learned
 24 the monitoring procedures” utilized by the defendant).

25 **III. THE SANCTIONS REPLY SHOULD BE KEPT UNDER PARTIAL SEAL**

26 The Sanctions Reply should be sealed, in part, under the good cause standard. Defendants have
 27 a legitimate business interest in sealing the Sanctions Reply, as it features confidential, non-public
 28

1 information regarding Uber’s proprietary method for detecting fraud and preventing unauthorized
 2 conduct on its platform. Public disclosure would harm Uber’s competitive standing and undermine an
 3 important safety and compliance feature developed by Uber. The sealing Defendants request—limited
 4 redactions to a reply in support of a sanctions motion—is the least restrictive means of protecting these
 5 interests. Significantly, Plaintiffs’ counsel, Mr. Stanley, has withdrawn and waived with prejudice any
 6 argument that the underlying document that is the subject of this motion to seal is in fact not
 7 confidential. ECF 4366 (Joint Letter Regarding Withdrawal of the October 16, 2025 Confidentiality
 8 Challenge by Bret Stanley). Mr. Stanley therefore concedes, and it is not disputed that the document
 9 in question (and any derivative information about the document that is included in the briefing) is
 10 properly designated, and is in fact, confidential under the terms of the Protective Order.

11 **A. Good Cause Exists to Seal the Sanctions Reply.**

12 **1. Sealing Is Necessary to Allow Defendants to Protect Their Rights Under The
 13 Protective Order.**

14 As a threshold matter, the Court should grant this Motion to Seal because, to establish that Bret
 15 Stanley once again violated the Protective Order, Defendants necessarily must discuss and describe
 16 the confidential information that Mr. Stanley is improperly using in another litigation. Parties should
 17 not face a “catch-22” where they are forced to disclose details of the very confidential information a
 18 protective order is meant to shield in order to enforce and vindicate its rights under the Protective
 19 Order in court and to seek remedies generally mandated under Fed. R. Civ. P. 37(b)(2)(C).

20 “Protective orders safeguard the interests of litigants who have no choice but to turn over
 21 sensitive information to the other party.” *Ground Zero Ctr. for Non-Violent Action v. United States
 22 Dep’t of Navy*, 860 F.3d 1244, 1259 (9th Cir. 2017). But to serve as a meaningful safeguard, parties
 23 must be able to enforce a protective order; a legal right that is not “enforceable” is a “nullity.” Cf.
 24 *Facebook, Inc. v. Pac. Nw. Software, Inc.*, 640 F.3d 1034, 1037 (9th Cir. 2011) (discussing contract
 25 enforceability). To establish that another party has violated a protective order and entitlement to
 26 attorneys’ fees or other sanctions, it is often necessary—as it is here—to disclose the confidential
 27 information at issue in the motion to enforce or motion for sanctions, any reply, and supporting exhibits

1 to those briefs.

2 Denying a motion to seal in such circumstances would discourage litigants from seeking to
 3 enforce their rights under protective orders, thereby undermining the efficacy of protective orders and
 4 fueling unnecessary discovery fights when parties believe they cannot rely on a protective order.
 5 Because disclosure of Defendants' confidential information is necessary to establish the Protective
 6 Order violation addressed in the Motion for Sanctions, the Court should grant the Motion to Seal. *See*
 7 ECF 4603-1 (Declaration of Daniel Cummings in Support of Defendants' Administrative Motion to
 8 File Under Seal Portions of Motion for Sanctions Against Bret Stanley and Portions of Supporting
 9 Materials), ¶4 (hereinafter "Cummings Decl.").² This fact weighs very heavily in favor of sealing
 10 confidential business information that in this context has no bearing or relevance whatsoever to the
 11 underlying litigation that the general public might otherwise even plausibly have an interest in under
 12 the controlling legal standard.

13 **2. Public Disclosure Risks Competitive Harm to Defendants and Risks**
 14 **Jeopardizing a Key Tool for Safety and Compliance Monitoring.**

15 Defendants respectfully request that the Court maintain under partial seal portions of the
 16 Sanctions Reply containing information about a proprietary and confidential safety and compliance
 17 audit procedure developed and used by Uber ("VFB Analysis"). *See* Brown Decl., Exhibit B to Motion
 18 for Sanctions (ECF 4603-6), ¶4. Public disclosure of information pertaining to the VFB Analysis could
 19 harm Defendants' competitive standing. *See id.* ¶5 (The "details of the VFB Analysis are unknown to
 20 Uber's competitors and application users, and the disclosure of this information would result in a
 21 competitive disadvantage to Uber"); Cummings Decl., ¶5. Indeed, even within Uber, access to the
 22 VFB Analysis "was restricted ... by role and responsibility, and is not broadly shared." Brown Decl.,
 23 Exhibit B to Motion for Sanctions (ECF 4603-6), ¶5. This Court has sealed analogous information

24 ² The Cummings Decl. was filed on December 8, 2025 in connection with Defendants' Administrative
 25 Motion to File Under Seal Portions of Motion for Sanctions against Bret Stanley and Portions of
 26 Supporting Materials. ECF 4603. Because the information Defendants seek to seal in their Sanctions
 27 Reply is identical or substantially similar to the information Defendants sought to seal in their Motion
 well.

1 regarding the inner workings of online platforms that, if publicly disclosed, could be copied, “caus[ing]
 2 competitive harm to” the party that created the proprietary information. *See, e.g., In re Google Inc.*
 3 *Gmail Litig.*, 2013 WL 5366963, at *3 (N.D. Cal. Sept. 25, 2013) (granting motion to seal information
 4 about nonpublic features of Gmail); *Mobileum Inc. v. Sarl*, 2023 WL 8481802, at *2 (N.D. Cal. Dec.
 5 7, 2023) (sealing portions of document addressing “operation of [plaintiff’s] proprietary software
 6 platform” because the public information “could be used by competitors to undercut the litigant”); *see also* *Calhoun*, 2022 WL 1122843, at *2; *Blockchain Innovation, LLC*, 2024 WL 4394758, at *3; *Jones*,
 7 2023 WL 7440303, at *2; *Skillz Platform Inc.*, 2023 WL 6135556, at *2; *E. W. Bank*, 2021 WL
 8 3112452, at *17; *CertainTeed Gypsum, Inc.*, 2021 WL 6621061, at *2; *Williams*, 2021 WL 2476916,
 9 at *4; *Exeltis USA Inc.*, 2020 WL 2838812, at *2; *Finjan, Inc.*, 2016 WL 7911651, at *4; *Kowalsky*,
 10 2012 WL 892427, at *4; ECF 2858 (granting motion to seal (ECF 2846) information about Uber’s
 11 Safety Risk Assessed Dispatch system under compelling reasons standard).

13 Not only would disclosure pose a risk of competitive harm to Defendants, but public disclosure
 14 of the information may allow Uber Eats platform users to take steps to undermine or circumvent the
 15 effectiveness of an important public safety and compliance program. *See* Brown Decl., Exhibit B to
 16 Motion for Sanctions (ECF 4603-6), ¶5; Cummings Decl., ¶5. Courts frequently grant motions to seal
 17 in related contexts, and Defendants respectfully request that the Court do the same here. *See, e.g.,*
 18 *Ashcraft*, 2019 WL 12518367, at *2 (sealing information that “identity thieves could use … to develop
 19 methods to circumvent Experian’s protections”); *Campbell*, 2015 WL 12965295, at *2 (finding good
 20 cause to seal documents that could cause Facebook competitive harm and compromise the technology
 21 of the products, harming Facebook and Fakebook’s end users); *cf. T1 Payments LLC*, 2022 WL
 22 1472665, at *8 (in the context of a motion to retain a confidentiality designation, finding particularized
 23 harm was established where the defendant’s “ability to monitor its distributors would be harmed if the
 24 distributors learned the monitoring procedures” utilized by the defendant).

25 Balanced against these reasons to maintain the redacted information under seal is the complete
 26 absence of any public interest in the disclosure of the confidential, proprietary methods used by Uber
 27 to monitor safety and compliance. This information adds nothing to the public’s understanding of the

1 merits of this litigation, or even the Motion for Sanctions or Sanctions Reply. *See* Cummings Decl.,
 2 ¶6. Defendants therefore respectfully ask the Court to maintain this information under seal.

3 **B. The Proposed Sealing Is the Least Restrictive Means of Protecting Defendants'**
 4 **Legitimate Interest in Maintaining Confidentiality.**

5 Defendants' proposed sealing is "narrowly tailored" to cover only information for which
 6 Defendants have a legitimate interest in maintaining confidentiality rather than seeking to seal the
 7 materials in their entirety. Civ. L.R. 79-5(c)(3). The proposed redactions are focused exclusively on
 8 information pertaining to Defendants' proprietary, confidential, and non-public safety and compliance
 9 audit procedure. Actions short of sealing portions of the Sanctions Reply would be insufficient to
 10 protect Defendants' legitimate expectations of confidentiality. Accordingly, there is good cause to
 11 grant the sealing Defendants request, and there are no less restrictive means of protecting Defendants'
 12 legitimate interest in maintaining confidentiality.

13 **IV. CONCLUSION**

14 For the foregoing reasons, Defendants respectfully request that the Court order that the
 15 Sanctions Reply be maintained under partial seal.

16
 17 DATED: December 29, 2025

Respectfully submitted,

18 By: /s/ Daniel Cummings
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